

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

BRENDA TEFFETELLER,)
)
Plaintiff,)
)
v.) No.: 3:07-CV-360
) (VARLAN/SHIRLEY)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

This civil action is before the Court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley on April 9, 2010 [Doc. 31]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

The Court has carefully reviewed this matter, including the underlying pleadings. The Court is in agreement with Judge Shirley's recommendation, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 31]. Plaintiff's Motion for Authorization of Attorney Fees Pursuant to 42 U.S.C. § 406(b) [Doc. 20] is **GRANTED**. Defendant Commissioner is **ORDERED** to pay Attorney Carol Mannchen the requested amount of \$18,071.25 from funds withheld from plaintiff's benefit award in this case. Attorney Mannchen is **ORDERED**, upon receipt

of her fee of \$18,071.25, to remit to plaintiff the \$4,000 fee that she previously received from defendant Commissioner pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2142(d), and this Court's July 15, 2008 order [Doc. 18].

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE